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7 UNITED STATES DISTRICT COURT
8 CENTRAL DISTRICT OF CALIFORNIA
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10 BRETT K. BARBIC,

11 Plaintiff,

12 v.

13 R. CHIRINOS, *et al.*,

14 Defendants.
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Case No. 2:23-cv-01213-FLA (JC)


**ORDER ACCEPTING FINDINGS,
CONCLUSIONS, AND
RECOMMENDATION OF UNITED
STATES MAGISTRATE JUDGE,
AND GRANTING IN PART AND
DENYING IN PART DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT [DKTS. 39, 51]**

1 The court has conducted the review required by 28 U.S.C. § 636 and ACCEPTS
2 the findings, conclusions, and recommendation of the Magistrate Judge reflected in
3 the January 27, 2025 Report and Recommendation of United States Magistrate Judge.
4 Defendants R. Chirinos (“Chirinos”), J. Johnson (“Johnson”), and H. Watson’s
5 (“Watson”) (collectively, “Defendants”) motion for summary judgment (the
6 “Motion”) is GRANTED IN PART and DENIED IN PART. Dkt. 39. The court
7 ORDERS as follows:

- 8 1. Plaintiff Brett K. Barbic’s (“Plaintiff”) claim for deliberate indifference
9 against Chirinos and Johnson is DISMISSED to the extent it alleges these
10 Defendants were deliberately indifferent to Plaintiff’s serious medical
11 needs by neglecting to decontaminate Plaintiff’s body or his cell after
12 detonating pepper spray canisters.
- 13 2. The Motion is otherwise DENIED.
- 14 3. The action will proceed on (1) Plaintiff’s Eighth Amendment failure to
15 protect claim against all Defendants, and (2) Plaintiff’s Eighth
16 Amendment excessive force claim against Chirinos and Johnson.

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18 IT IS SO ORDERED.

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20 Dated: March 28, 2025


FERNANDO L. AENLLE-ROCHA
United States District Judge